

## CHIEF OF DETECTIVES

### NOTICE 1.8

December 21, 2016

**TO:** All Commanding Officers

**FROM:** Chief of Detectives

**SUBJECT:** ENFORCEMENT ACTIONS RELATED TO UNDOCUMENTED PERSONS

This notice supersedes Chief of Detectives Notice titled, *Federal Prosecution of Criminal Alien Gang Members*, dated July 1, 2009. This notice also serves as a reminder to all Department personnel that, per Department Manual Sections 1/390, *Undocumented Aliens* and 4/264.50, *Enforcement of United States Immigration Laws*, officers are prohibited from initiating police action with the objective of determining a person's immigration status.

On October 2013, the California Transparency and Responsibility Using State Tools (TRUST) Act was signed into law. The California TRUST Act limits the circumstances under which local law enforcement agencies could honor an Immigration Detainer Notice of Action (IDNA) from Immigration and Customs Enforcement (ICE). In compliance with the California TRUST Act, the Department has modified its policy regarding honoring IDNA requested by ICE.

Department personnel shall not detain an inmate already in custody for state or local violations, for the sole purpose of transferring custody of the inmate to ICE, unless at least one of the following conditions is present:

- A judicial Determination of Probable Cause for the detainer; or,
- An arrest warrant from a Judicial Officer.

Custody Services Division will not honor IDNAs, nor extend the custody of an individual beyond the length of custody time required for the original booking/charge, or deny bail. Furthermore, an IDNA will not be honored, under any circumstances, without an approval from the Custody Services Division Commanding Officer.

United States Code, Title 8, Section 1326 (a), specifically deals with illegal reentry of a defendant, who was previously lawfully deported or removed from the United States, who voluntarily reentered the United States, and the individual's deportations occurred after the defendant was convicted for an aggravated felony. Officers shall not detain, arrest nor book persons for violation of United States Code, Title 8, Section 1326 (a): Reentry of Removed Aliens, or any other immigration crime without a federal warrant.

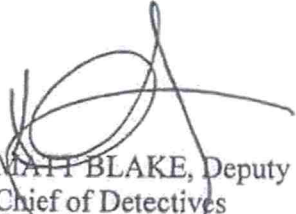
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The Department endeavors to maintain a solid relationship with its partners while simultaneously serving the people of Los Angeles regardless of their immigration status.


If you have any questions, please contact Lieutenant II John Shah, Officer in Charge, Investigative Analysis Section, at (213) 486-7010.



MATT BLAKE, Deputy Chief  
Chief of Detectives

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APPROVED:



SEAN W. MALINOWSKI, Commander  
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Office of Chief of Police